



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Elizabeth A. Dudek

Typed or Printed Name of Person Sending Paper or Fee

Elizabeth A. Dudek

Signature

5 May 2003

Date

RECEIVED

MAY 13 2003

TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:	:	Docket No. 6611-01
VINCENT T. KOZYRSKI et al.	:	Date: 5 May 2003
Serial No.: 09/822,136	:	Group Art Unit: 3742
Filed On: 30 March 2001	:	Examiner: D. Watts
TITLE: ROTARY CUTTER		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

Applicants offer the following response to the Final Office Action of 3/26/03. In the Office Action of 3/26/03, the Examiner acknowledges applicants' RCE (filed 9/17/02) and states that this action (apparently meaning the 3/26/03 Office Action) "replaces" the action of 12/3/03. Applicants filed a Notice of Appeal and an Appeal Brief in the present prosecution on 12/31/02 in response to the Office Action of 12/3/02 (copies enclosed herewith, along with the stamped postcard receipt). The Office Action of 3/26/03 does not acknowledge receipt of either the Notice of Appeal or the accompanying Brief. The rejection of claims 1-30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,265,955 is the only rejection in both Office Actions (12/3/03, 3/26/03). In a telephone conference conducted on 4/29/03, Examiner Watts indicated that the Appeal Brief had been received by the PTO.

In view of the above, applicants respectfully submit that the appropriate response was entered with respect to the 12/3/02 final office action. Although it is not clear what action is meant by the 12/3/02 Office Action being "replaced" by the 3/26/03 Office

17

Action, it does not appear that the finality of the 12/3/02 Office Action was removed because the rejection remains the same. Consequently, applicants respectfully submit that the present application should be considered to be on appeal. Applicants respectfully request the Examiner clarify the current status of the present application, including an explanation of the current status if it is something other than on appeal.


There does not appear to be any fee due with this response. In the event a fee is due, however, please charge our Deposit Order Account No. 13-0235.

Respectfully submitted,

By Richard D. Getz
Richard D. Getz
Registration No. 36,147
Attorney for the Applicants

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
(860) 549-5290

RECEIVED
MAY 13 2003
TECHNOLOGY CENTER R3700

Ser/Pat/TM No. <u>09/822,136</u> File No. <u>6611-01</u> Inventor Name(s) <u>Kozarski</u> Atty/Secretary <u>R. Deleal</u> <u>12131102</u>	Date Received 
Hon. Commissioner of Patents/Trademarks Please acknowledge receipt of the attachments by stamping the date received in the space indicated and returning this card to the address: <u>McCormick, Paulding & Huber LLP</u>	
<input type="checkbox"/> Specification - # of pages <input type="checkbox"/> Claims - # of pages <input type="checkbox"/> Drawings - # of sheets <input type="checkbox"/> Amendment <input type="checkbox"/> Issue Fee/Publication Fee <input type="checkbox"/> English translation document <input type="checkbox"/> Assignment <input type="checkbox"/> Marked up copy of specification/claims <input type="checkbox"/> Clean copy of specification/claims <input type="checkbox"/> Dec/POA	<input type="checkbox"/> Transmittal letter <input checked="" type="checkbox"/> Check - \$ <u>640.00</u> <input type="checkbox"/> IDS and PTO/SB/08A <input type="checkbox"/> Copies of IDS citations <input type="checkbox"/> Maintenance Fee <input type="checkbox"/> Extension of Time <input checked="" type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Appeal Brief <input checked="" type="checkbox"/> CD TriPLICATE <input type="checkbox"/>